

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FCA US LLC**

and

**SHERI ANOLICK,**

**Case 07-CA-213717**

and

**BEVERLY SWANIGAN,**

**Case 07-CA-213746**

and

**BRIAN KELLER**

**Case 07-CA-213748**

**AND**

**INTERNATIONAL UNION, UNITED AUTOMOBILE,  
AEROSPACE AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW), AFL-CIO**

and

**SHERI ANOLICK,**

**Case 07-CB-213726**

and

**BEVERLY SWANIGAN,**

**Case 07-CB-213747**

and

**BRIAN KELLER**

**Case 07-CB-213749**

**ORDER**

The Respondent Union's motion to dismiss the consolidated complaint, as amended, is denied. We find no merit in the Respondent's contentions that the Board lacks jurisdiction over this matter under Section 10(b) of the Act.

The Respondent maintains that the initial charges in this case were served more than six months after the Charging Parties had knowledge of their claims and, as a result, the charges are time-barred by Section 10(b). According to the Respondent, the Charging Parties discovered the factual basis for the charges on July 26, 2017, and

were therefore required to file and serve the charges by Friday, January 26, 2018 – six months from July 26, 2017. Because the charges were not served until Monday January 29, 2018, the Respondent argues that they are time-barred by Section 10(b) and the complaint should therefore be dismissed. We disagree.

The Board has long held that the day of the act or event giving rise to the unfair labor practice is not counted in computing the 6-month 10(b) limitation period. *MacDonald's Industrial Products, Inc.*, 281 NLRB 577 (1986).<sup>1</sup> See also *Baltimore Transfer Co. of Baltimore City, Inc. (Local 369, Drivers)*, 94 NLRB 1680, 1682 (1951) (the computation of the 6-month period, after which the proviso of Section 10(b) extinguishes the right to initiate proceedings, must exclude the day on which the unfair labor practice took place). Consequently, assuming *arguendo* that the Respondent is correct and the Charging Parties were on notice of the facts underlying the charges on July 26, 2017, the 10(b) period did not begin to run until July 27, 2017, and the last day of the limitation period was Saturday January 27, 2018. However, Section 102.2 of the Board's Rules and Regulations provides that if the last day of a time period "is a Saturday, Sunday, or a legal holiday," then "the period runs until the next Agency business day." Here, the next Agency business day was Monday, January 29, 2018. We therefore conclude, contrary to the Respondent, that the initial charges were timely filed and served.

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<sup>1</sup> The Board's Rules and Regulations similarly does not count the day of an act toward the relevant time period. Section 102.2(a) states, in pertinent part, "[i]n computing any period of time prescribed or allowed by these rules, the day of an act, event, or default after which the designated period of time begins to run is not to be counted."

Dated, Washington, D.C., August 26, 2020.

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER